

Paul M. Levine, Esq. (007202)
PAUL M. LEVINE, P.C.
8502 E. Via de Ventura, Suite 230
Scottsdale, Arizona 85258
Telephone: (480) 302.4102
Facsimile: (480) 300.4984
plevine@pmlevinepc.com
Attorney for Plaintiff/Counterclaimant
Labor Smart, Inc. and Third-Party Defendants

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA**

Labor Smart, Inc,

Plaintiff,

v.

Jason Tucker et al.,

Defendants.

Case No. 2:22-cv-00357-PHX-JJT

**THIRD PARTY DEFENDANTS
PAVLIK AND MCBRIDE'S
MOTION TO APPEAR VIRTUALLY
AT THE JUNE 24, 2025
SETTLEMENT CONFERENCE**

Third-Party Defendants Joe Pavlik and Toby McBride move that they be permitted to appear virtually at the June 24, 2025 Settlement Conference. Personal attendance would be a hardship for both Mr. Pavlik and Mr. McBride. Mr. Pavlik and Mr. McBride can appear virtually.

Neither Mr. Pavlik nor Mr. McBride live in Arizona. Mr. Pavlik lives in Cleveland, Ohio and Mr. McBride lives in Stockton, California. Both Mr. Pavlik and Mr. McBride are named as Third-Party Defendants in this case. All of the claims against them (with one exception) are also being made against Third-Party Defendants Michael Holley, Labor Smart, Inc., Takeover Industries, Inc. and Next Gen Beverages, LLC, and Mr. Zarro, all of whom will be present at the Settlement Conference. The only exception is the claim against Mr. McBride for defamation *per se*. Mr. Holley and Mr. Zarro are the individuals with the greatest knowledge of all of the relevant facts.

1 Mr. Pavlik is the primary caregiver for his parents, assisting on a daily basis with their
2 medical needs, meals, doctors' appointments, etc. Mr. Pavlik's father is 79 and his mother is 73.
3 He is the only one who assists them on a daily basis. Time away from his parents and their needs
4 would present a hardship to not only Mr. Pavlik, but also his parents, who rely on him on a daily
5 basis. Incurring the expense of traveling to Tucson for the Settlement Conference would be a
6 personal and financial hardship. See Declaration of Joe Pavlik, attached as Exhibit "A".
7

8 Mr. McBride is the owner of a business and travels throughout the United States on a
9 weekly basis. On June 24, 2025, Mr. McBride will be in Los Angeles for business. See
10 Declaration of Toby McBride, attached as Exhibit "B".

11 For the foregoing reasons, Mr. Pavlik and Mr. McBride request that they be permitted to
12 appear virtually at the June 24, 2025 Settlement Conference. Their participation in the Settlement
13 Conference will *not* be compromised because they are appearing virtually.
14

15 **RESPECTFULLY SUBMITTED** this 28th day of May, 2025.

16 **PAUL M. LEVINE, P.C.**

17 By /s/ Paul M. Levine

18 Paul M. Levine, Esq.

19 8502 E. Via de Ventura, Suite 230

20 Scottsdale, Arizona 85258

21 *Attorney for Plaintiff/Counterdefendant*

22 *Labor Smart, Inc. and Third-Party Defendants*
23 *(including Joseph Pavlik)*

24 **ELECTRONICALLY FILED**
25 this 28th day of May, 2025.

26 **EMAILED** this
28th day of May, 2025 to:

1 Veronica L. Manolio
2 **MANOLIO & FIRESTONE, PLC**
3 8686 E. San Alberto Dr., Suite 200
4 Scottsdale, Arizona 85258
5 VManolio@MF-Firm.com
6 *Attorney for Defendants/ Counterclaimants/*
7 *Third-Party Plaintiffs*

8 Spencer D. Freeman, Esq.
9 **FREEMAN LAW FIRM, INC.**
10 1107 1/2 Tacoma Ave S
11 Tacoma, Washington 98402
12 SFreeman@FreemanLawFirm.org
13 Reception@FreemanLawFirm.org
14 Sierra@FreemanLawFirm.org
15 *Attorney for Jason Tucker and*
16 *Melissa Tucker*

17 /s/ Sasha Bever
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been electronically served on all counsel of record on the 28th day of May, 2025 via CM/ECF filing system.

Veronica L. Manolio
MANOLIO & FIRESTONE, PLC
8686 E. San Alberto Dr., Suite 200
Scottsdale, Arizona 85258
VManolio@MF-Firm.com
*Attorney for Tucker Defendants/
Counterclaimants/Third-Party Plaintiffs*

Spencer D. Freeman, Esq.
FREEMAN LAW FIRM, INC.
1107 1/2 Tacoma Ave S
Tacoma, Washington 98402
SFreeman@FreemanLawFirm.org
Reception@FreemanLawFirm.org
Sierra@FreemanLawFirm.org
*Attorney for Jason Tucker and
Melissa Tucker Third-Party Claimants*

By /s/ Paul M. Levine